

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RAPHAEL F. ENCINGER JR.,

Petitioner,

V.

STATE OF NEBRASKA,

Respondent.

4:08CV3009

# MEMORANDUM AND ORDER

This matter is before the court on its own motion. On January 16, 2008, Petitioner filed this Petition for Writ of Habeas Corpus. (Filing No. 1.) On March 7, 2008, this court entered a Memorandum and Order informing Petitioner that he failed to state a factual or legal basis for the claims in his Petition. (Filing No. 5.) Petitioner was instructed to file an amended petition stating the factual or legal basis for his claims by April 7, 2008. (*Id.*) Petitioner was warned that failure to adequately state a claim by April 7, 2008 would result in the dismissal of his Petition without further notice. (*Id.*)

As of this date, Petitioner has failed to file an amended petition adequately stating the factual or legal basis for his claims. Accordingly, Petitioner's Petition for Writ of Habeas Corpus is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Petitioner's Petition for Writ of Habeas Corpus (filing no. 1) is dismissed without prejudice.
2. A separate Judgment will be entered in accordance with this Memorandum and Order.

April 23, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge